

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

922A0661

SENATE BILL NO. 246

Introduced by: Senator Hutmacher and Representatives Kredit, Apa, Monroe, and Schrempp

1 FOR AN ACT ENTITLED, An Act to repeal the provision regarding assignment to a requested
2 school when no school is within ten miles of a student's residence.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-28-20 be repealed.

5 ~~—13-28-20. If a student lives more than ten miles from the nearest school being operated in~~
6 ~~the student's district and bus service or dormitories are not provided the student, the school~~
7 ~~board shall by March first assign and agree to pay the tuition for the student to any public school~~
8 ~~in this state or any other state which the student's parent or guardian requests. The change in~~
9 ~~enrollment may occur only at the commencement of a regular school term. In all other cases, the~~
10 ~~board shall consider its duty to provide an education within the guidelines of the South Dakota~~
11 ~~Board of Education's accreditation rules, the wishes of the parents or guardians of the child being~~
12 ~~assigned and the district patrons, the miles and time involved in transporting the student to~~
13 ~~school, and the educational and financial impact on the district. Any patron who is aggrieved by~~
14 ~~a decision of the school board may request a hearing within thirty days before the Department~~
15 ~~of Education and Cultural Affairs. If the Department of Education and Cultural Affairs has not~~
16 ~~rendered a decision within thirty days following final submission of the appeal, the board's~~

1 ~~decision is affirmed. Any costs for transporting a student to the requested school are the~~
2 ~~responsibility of the parent or guardian.~~

3 Section 2. That § 13-28-38 be amended to read as follows:

4 13-28-38. Tuition required pursuant to § 13-28-22 may be waived if agreed to by the school
5 boards involved. Notwithstanding §§ 13-6-85, 13-28-9, 13-28-10, ~~13-28-20~~, and 13-28-21, the
6 decision of a school board to waive or not to waive tuition is final except as specifically provided
7 in this section. Any request for a waiver of tuition shall be made to the affected school boards
8 by the parent or guardian of the affected student. The school boards shall take action on the
9 request within forty-five days after receiving the request. A school board's decision pursuant to
10 this section may be appealed to the circuit court in the time and manner specified by § 13-46-1
11 or to the secretary of the Department of Education and Cultural Affairs within thirty days from
12 the date of the decision of the school board by filing a notice with the secretary of the school
13 board and mailing a copy of the notice to the secretary of the Department of Education and
14 Cultural Affairs. The granting of any waiver is not a legal precedent for any future request for
15 waiver.